**Remark:**

**(A) Ground of rejection:**

Claims 129-134 and 176 had been previously allowed in the office actions dated December 1, 2009 and June 9, 2010. The allowance was later withdrawn and rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 21-23 of applicant's U.S. Patent No. 5,867,818 (here under referred as the 818 patent). For such ground of rejection to be valid, the difference of the subject claims as compared with the 818 patent should be obvious according to patent laws such that the comparison should be made according to the understanding of a person having ordinary knowledge in the art **and at the time when the invention was created**.

**(B) Independent Claim 129:**

As compared with the 818 patent, the following additional characteristics are identified:

(a) a multiple processors system having a first and a second processor;

(b) relationship between the two processors:

first processor is to provide or execute a table format program;

and second processor processes information provided by the table format program of said first processor.

Prior art Garrett disclosed a dual processor system having a first processor 14 (col. 1 lines 35) is an analog acoustic processor provided to convert acoustic waveform into sequence of symbols (digital signals). The second processor is a high speed signal processor 18 provided for calculating the DFT segments of speech data and for comparing with voice vectors in order to achieve the voice recognition function. (col. 1 line 35-45). Accordingly the combination of the 818 patent and Garret failed to support the claimed characteristic (B)(b) identified herein. It seems the office action was taking a position that the identified characteristic (B)(b) was an obvious modification capable by a person having ordinary knowledge in the art by the time the invention was made over 15 years ago. Listed below is a quotation of 37 C.F.R. 1.104(d)(2):

**37 C.F.R. 1.104(d)(2):**

> *When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference must be supported, when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons.*

Listed below is a quotation of precedent court ruling In re Sun:

**In re Sun, 31 USPQ 2d 1451, 1455 (Fed. Cir. 1993),**

> *Finally, appellants seemingly argue that the examiner's lack of citation to support the asserted level of skill in the art makes the rejections improper per se. This is so, appellants suggest, because without such citation, there is no record by which they can argue that the examiner erred.*

If the ground of rejection is to be withheld, the examiner is respectfully requested **to provide an affidavit under 37 C.F.R. 1.107 (b)** regarding level of skill in the art and **at the time over 15 years ago** how a systems having two processors specially designed to work together to process a program written in a proprietary programming language (Table Format method) is determined to be obvious.

**(C) Further supporting evidences:**

About 8 oversea IC design house licensees had licensed the 818 patent during the past 15 years. The applicant respectfully submits a sharing of his promotion experience of the claimed dual processors Table Format programming design to the 818 patent licensee. This sharing is important for the reconsideration of the examiner. The promotion of the claimed dual processor design had been conducted over 14 years ago. By that time, every licensee declined the proposed dual processors Table Format programming system because the cost issue. The cost of Table Format processors die form was between $0.50 to $2.0. Adding one more processor into the system means additional cost of at least $0.50 which was significant when considered by the significantly higher buying power of the dollar by that time. Accordingly the traditional wisdom of the industry was to provide more **"single processor IC"** body variations – variation of Table Format processor product lines that come with different features, some

come with variation of memory size (different speech/sound durations) and some product line members come with different count of I/O pins. Due to this "single IC" traditional wisdom of the IC industry by that time, the dual Table Format processors design proposal as claimed was rejected by **ALL** the licensees of the 818 patent. The licensees were happy just with the license of the 818 patent. Listed below is a quotation of MPEP 2145(j)(4):

> 1. ***Contrary to accepted wisdom is evidence of nonobviousness.*** *[MPEP 2145(j)(4); In re Hedges, 783 F.2d 1038, 228 USPQ 685 (Fed. Cir. 1986)]*

If the ground of rejection is to be withheld, the examiner is respectfully requested to provide precedent court ruling or MPEP quotation supporting why a claim characteristic contrary to the traditional wisdom of the industry 15 years ago was considered to be obvious by that time. Marketing promotion is very expensive. Although the recent financial tsunami had significant drove down the prices of Table Format IC, which may give the applicant another chance to try promoting the subject claimed dual processor design, the American company of the applicant is reluctant to pitch additional round of promotion investment of the subject dual processor Table Format system design if the subject claims are not allowed for protecting the further promotion investment.

**(D) Dependent Claims 130 – 134:**

The office action merely compared the independent claim 129 with claims 21-23 of the 818 patent. The office failed to provide ground of rejection about the additional characteristics of the dependent claims 130-134. Listed below is a recitation of MEPE 707.07 and 37 C.F.R. 1.104(b):

> **37 C.F.R. 1.104(b) :**
> *"Completeness of examiner's action....The examiner's action will be complete as to ALL matters.....".*

If the ground of rejection of the subject rejected claim 127 is to be withheld, the examiner is respectfully requested to provide detail ground of rejection supporting the rejection of the additional characteristics of the dependent claims.

**(E) Claims 133-134:**

Claims 133 to 134 were amended to correct typo for satisfying the antecedent requirement of the independent claim 129.

**(F) Claim 176:**

The applicant respectfully accepts the ground of the rejection of claim 176 as clarified by the examiner. Accordingly claim 176 was amended to further emphasize the Table Format programming relationship of the dual computers systems, which included a further limitation that the two computing apparatus are remotely connected for servicing the proprietary Table Format programming platform. If the ground of rejection is to be withheld, the examiner is respectfully requested to provide further prior art or an affidavit under 37 C.F.R. 1.107 (b) regarding level of skill in the art and at the time over 15 years ago how a systems having two remote computing apparatus specially designed to work together to process a program written in a proprietary Table Format programming language is determined to be obvious.

**[End of Remark]**